

COMMITTEE ON REAL ESTATE

May 9, 2017

A meeting of the Committee on Real Estate was held this date beginning at 4:17 p.m. at City Hall, First Floor Conference Room, 80 Broad Street.

Notice of this meeting was sent to all local news media.

PRESENT

Councilmember White, Chair, Councilmember Moody, Councilmember Waring, Councilmember Riegel, and Mayor Tecklenburg **Staff:** Collen Carducci, Frances Cantwell, Chip McQueeney, Rick Jerue, and Bethany Whitaker, Council Secretary

The meeting was opened with a moment of silence provided by Chairman White.

APPROVAL OF MINUTES

On the motion of Councilmember Moody, seconded by Councilmember Waring, the Committee voted unanimously to approve the minutes of the April 25, 2017 Committee on Real Estate Meeting.

REQUEST APPROVAL FOR THE MAYOR TO EXECUTE THE ATTACHED FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING PERTAINING TO THE EASEMENTS AND OTHER CONSIDERATION RELATING TO THE DEVELOPMENT OF THE NEW ROAD AND RELATED IMPROVEMENTS AT BAYVIEW SOCCER CENTER (TMS: 428-00-00-013 AND 428-00-00-040; FORT JOHNSON ROAD). THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON.

Colleen Carducci stated that in the middle of last year they had come before the Committee with the Memorandum of Understanding because there had been a prior agreement for joint use and easements with First Baptist for a road through the parcel. They had the right, if they were to develop the parcel, to make road improvements through the parcel. The MOU came before them to outline the terms of their construction and related easements, and a \$100,000 payment to the City at closing that would then be spent to improve the parking areas. They had a flagpole that came off of Fort Johnson Road to access their property, and because there were grand trees, it wasn't desirable from a City perspective to remove those trees to make the connection. Their easement road curved through the City's property. The James Island Youth Soccer had a lease on four soccer fields that they controlled within the park area. The City operated its soccer games/activities in a different area. The City had a parking area adjacent to First Baptist and in another area where there were bathrooms. Given the conditions of the site, and the need to improve the road/area, one of the requirements was to bring back to Council the easement documents for their approval. They realized going through the approval process, First Baptist would like to close on their acquisition/sale to the developer to build. The easements wouldn't be ready then; sometimes they waited until after the completion of the road improvements to record the specific easements, because they might shift by need during construction. There was a construction easement they would need to build the road and make a temporary parking area for the City. They were requesting that all of the easements be approved by the Committee so that in the future, Corporation Counsel would approve the final forms when the time came that they were in final form. The first page

of the document was existing conditions. The second page showed that previously there were shaded areas along the soccer field. Because of that location, the shaded area at closing would be deeded to the City. The hatched area was City property and it was currently the area that had the temporary road through it, and it would be needed for future road construction. On the second to last page, there was a temporary road that would come off of Fort Johnson Road. The developer would build that road and there would be a parking area adjacent to that. When the road was under construction, people coming to play soccer would not have access to it because it would be fenced off. There was a provision that there would be a pedestrian crossing from the park to the field that the contractor would need to manage to keep it accessible. Currently, people had been parking in the flagpole area, and that would be used for construction during their improvements. Once the road was dedicated, that flagpole was dedicated to the City and it would become part of its parcel. There would be an easement for the road, a construction easement for the main road that they would improve, and at closing they would deed the portion of the property that falls within theirs, and there would be a storm-water drainage easement depending on the outcome of their storm-water analysis. Some of these things would happen at closing, and some would need to happen in the future, and so they were requesting approval for Corporation Counsel to approve the final form of those agreements, providing that they didn't vary from the plans presented originally in any significant magnitude.

Frances Cantwell said that all of the easements were approved last year and it said that all of the easements needed to be approved again before closing. This was going to be impossible and so in order to accommodate getting the closing done, knowing the documents change until the last minute; they were asking permission to let them go forward without bringing back the documents.

Councilmember Waring asked if the roads would be private and Ms. Carducci said that they would be publically dedicated roads. There would be a new parcel number given to that one soccer field. Yes, was the short answer. They would follow the same format that they had approved previously. Councilmember Waring asked about the parking that the developer was building and if it would be available to the public. Ms. Carducci said that there was temporary parking and the developer would be responsible for returning the temporary parking area to its existing conditions, which was grass for playing fields. The \$100,000 that they would give to the City was the City's funds to improve the parking lots that were already in existence. The parking lots were not well organized, and so the concept was to spend the money to better organize those parking areas to keep it safe for the children playing there. The road would have 'No Parking' signs on it when it was built, so that it would stay safe and there were fences that were required to separate the fields from the road.

Councilmember Moody asked if it was unusual that they were giving Corporation Counsel this permission and if they had done this before. Ms. Cantwell said that they had from time to time, delegated to Corporation Counsel to approve the form. They would approve the concept and layout, and they made sure that the words matched. The Mayor would still sign it. Chairman White said that they give the Mayor approval to execute the attached amendment which also gave approval for the future easements. Ms. Cantwell said that they had already approved the easements and that was in the MOU. Now, instead of bringing the form back every time, as long as the form was fine, the Mayor could sign.

Mayor Tecklenburg asked about the grass color and why it was so much greener on the James Island Youth fields. Ms. Carducci said that she thought they did winter rye on their field. They may have irrigation, but she thought that the City irrigated its field and they didn't irrigate theirs. They maintain their own fields, separate from the City.

Councilmember Riegel asked where the Church had gotten the property they were selling and Mayor Tecklenburg said that they had that property for a long time. Originally, they were going to put the school there, but that had changed. Ms. Carducci said that they made a decision to go with their sports complex off of Riverland Drive. They had their sports complex back there right now, and they had contemplated a school, but right now it was just the complex.

On the motion of Councilmember Waring, seconded by Councilmember Riegel, the Committee voted unanimously to approve the Mayor to execute the attached First Amendment to Memorandum of Understanding pertaining to the easements and other consideration relating to the development of the new road and related improvements at Bayview Soccer Center.

AUTHORIZE THE MAYOR TO EXECUTE A QUIT-CLAIM DEED TO MELZA R. VAN ROIJEN PERTAINING TO 88 MORRIS STREET (TMS: 450-15-02-031) [ORDINANCE]. THE PROPERTY IS OWNED BY MELZA R. VAN ROIJEN.

Ms. Cantwell handed out a plat that was done in 1996 at the request of the City. The City owned the parcels of land (169, 29, and 30), and subdivided that tract of land into three separate lots. There was a bump-in at the bottom of 169. That was where the pins of the property were. The parcels were sold which left a 5 foot strip in no-man's land which they believed was a part of 88 Morris Street. It had been conveyed and part of the tax records since at least 1996. A client was buying 88 Morris Street, and had no record of the City officially quit-claiming or making the bump-in a part of 88 Morris Street. They thought it had always been a part of 88 Morris Street, but wanted to clear up the title.

On the motion of Councilmember Moody, seconded by Councilmember Waring, the Committee voted unanimously to authorize the Mayor to execute a Quit-Claim Deed to Melza R. Van Roijen pertaining to 88 Morris Street.

CONSIDER THE FOLLOWING ANNEXATION:

- i. 2240 Pinehurst Avenue (TMS #: 358-15-00-023) 0.30 acre, West Ashley (District 2). The property is owned by Chris Mason.

On the motion of Councilmember Riegel, seconded by Councilmember Moody, the Committee voted unanimously to the above annexation.

Having no further business, the Committee on Real Estate adjourned at 4:34 p.m.

Bethany Whitaker
Council Secretary

